

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

V.

KEITH E. PEER,

Defendant.

No. CR-04-038-FVS

ORDER DENYING THE
DEFENDANT'S MOTION FOR
RECONSIDERATION, BUT
GRANTING HIS MOTION FOR
ADDITIONAL TIME

THIS MATTER comes before the Court for consideration of two motions. The defendant is representing himself. The government is represented by Stephanie Van Marter.

COURT RECORDS

The defendant seeks copies of six court records at public expense. The records are numbers 41, 64, 80, 90, 93, 131, and 177.

A. Background

ECF No. 41

This was filed by the government on June 25, 2004, and is entitled "Notice of Intent to Use Expert Testimony." It is 18 pages long. It lists four expert witnesses; describing each one's expected testimony, and providing information about each one's experience and training. The first witness is chemist William Moriawaki. The second and third witnesses are law enforcement officers Thomas Sullivan and Jack Rosenthal. The fourth witness is fingerprint expert Jo Anne C. Lopez.

ECF No. 64

This was filed by the government on July 23, 2004, and is

1 entitled "Supplement to Notice of Intent to Use Expert Testimony." It
2 is 32 pages long. It provides additional information about Mr.
3 Moriwaki.

4 *ECF No. 80*

5 This was filed on August 11, 2004, and is entitled "Fourth
6 Superseding Indictment." It is five pages long.

7 *ECF No. 90*

8 This was filed by the government on August 16, 2004, and is
9 entitled "Proposed Jury Instructions." It is 92 pages long.

10 *ECF No. 93*

11 This was filed on August 16, 2004, and is entitled "Defendant
12 Keith Peer's Requested Jury Instructions." It is eight pages long.

13 *ECF No. 131*

14 This is the Clerk's Minutes for a proceeding that occurred on
15 September 15, 2004. It is two pages long. On September 14th, the
16 jury found the defendant guilty of the crime of conspiracy to
17 distribute a controlled substance. That being its verdict, the Court
18 asked the jury to determine whether he had possessed a firearm in
connection with the conspiracy. On September 15th, the jury returned
to the courtroom with an affirmative answer.

19 *ECF No. 177*

20 This is a one page order that the Court entered on January 4,
21 2005, denying the defendant's motion for judgment of acquittal.

22 **B. Ruling**

23 The defendant continues to insist he needs to examine each of the
24 court records listed above, but he has yet to explain why he thinks
25 any of the records contains information that is material to his § 2255
26 motion. And his need, if any, is far from obvious. Why, for example,
does he need a copy of the government's proposed jury instructions,
which is 92 pages long? He has made no effort to answer this question
and the Court declines to speculate. The defendant has now had two

opportunities to explain why he needs the court records he is requesting. He has failed to provide any explanation. As a result, his motion for reconsideration will be denied. If he wants copies of the court records in question, he must pay for them.

ADDITIONAL TIME

The defendant asks for additional time in which to file a reply in support of his § 2255 motion. His request is not unreasonable. The Court will extend the deadline until May 2, 2011.

IT IS HEREBY ORDERED:

1. The defendant's motion to reconsider (**Ct. Rec. 296**) is **denied**.
 2. The defendant's request for additional time to file a reply (**Ct. Rec. 297**) is **granted**. He may have until May 2, 2011, to file his reply.

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this order and furnish copies to the defendant and to counsel for the government.

DATED this 21st day of March, 2011.

s/ Fred Van Sickle
Fred Van Sickle
Senior United States District Judge